For The Rev.d Samuel Winsor.

At the GENERAL ASSEMBLY of the GOVERNOR and COMPANY of the *Engliſh* Colony of RHODE-ISLAND, and PROVIDENCE Plantations, in *New-England*, in *America*; begun and holden by Adjournment, at *Eaſt-Greenwich*, within and for the Colony aforeſaid, on the laſt Monday in *February*, in the Year of our LORD One Thouſand Seven Hundred and Sixty-four, and Fourth of the Reign of His Moſt Sacred Majeſty *GEORGE* the Third, by the Grace of GOD, KING of *Great-Britain*, and ſo forth.

AN ACT

FOR THE

ESTABLISHMENT

OF A

COLLEGE,

OR

UNIVERSITY,

Within this COLONY.

WHEREAS Inſtitutions for liberal Education are highly beneficial to Society, by forming the riſing Generation to Virtue, Knowledge, and uſeful Literature; and thus preſerving in the Community a Succeſſion of Men duly qualified for diſcharging the Offices of Life with Uſefulneſs and Reputation; they have therefore juſtly merited and received the

Obey Manson's

Preamble

the Attention and Encouragement of every wiſe and well regulated State: And whereas a Public School, or Seminary, erected for that Purpoſe within this Colony, to which the Youth may freely reſort for Education in the vernacular and learned Languages, and in the liberal Arts and Sciences, would be for the general Advantage and Honor of the Government: *And whereas* Daniel Jenckes, *Eſq*; Nicholas Tillinghaſt, *Eſq*; Nicholas Gardiner, *Eſq*; *Col.* Joſias Lyndon, *Col.* Eliſha Reynolds, Peleg Thurſton, *Eſq*; Simon Peaſe, *Eſq*; John Tillinghaſt, *Eſq*; George Hazard, *Eſq*; *Col.* Job Bennet, Nicholas Eaſton, *Eſq*; Arthur Fenner, *Eſq*; *Mr.* Ezekiel Gardner, *Mr.* John Waterman, *Mr.* James Barker, *jun. Mr.* John Holmes, Solomon Drown, *Eſq*; *Mr.* Samuel Winſor, *Mr.* Joſeph Sheldon, Charles Rhodes, *Eſq*; *Mr.* Nicholas Brown, *Col.* Barzillai Richmond, *Mr.* John Brown, *Mr.* Gideon Hoxſey, *Mr.* Thomas Eyres, *Mr.* Thomas Potter, *jun. Mr.* Peleg Barker, *Mr.* Edward Thurſton, *Mr.* William Redwood, Joſeph Clarke, *Eſq*; *Mr.* John G. Wanton, *and Mr.* Thomas Robinſon, *with many other Perſons, appear as Undertakers in the valuable Deſign: And thereupon a Petition hath been preferred to this Aſſembly, praying that full Liberty and Power may be granted unto ſuch of them, with others, as are hereafter mentioned, to found, endow, order, and govern a* COLLEGE, *or* UNIVERSITY, *within this Colony*; *and that, for the more effectual Execution of this Deſign, they may be incorporated into One Body Politic, to be known in the Law, with the Powers, Privileges, and Franchiſes, neceſſary for the Purpoſe aforeſaid.*

NOW THEREFORE KNOW YE, That, being willing to encourage and patronize ſuch an honorable and uſeful Inſtitution, we the ſaid Governor and Company, in General Aſſembly convened, *Do*, for ourſelves and our Succeſſors, in and by Virtue of the Power and Authority, within the Juriſdiction of this Colony, to us by the Royal Charter granted and committed, *Enact*, *Grant*, *Conſtitute*, *Ordain and Declare*, *And it is hereby Enacted*, *Granted*, *Conſtituted*, *Ordained*, *and Declared*, That the Hon. *Stephen Hopkins*, Eſq; the Hon. *Joſeph Wanton*, jun. Eſq; the Hon. *Samuel Ward*, Eſq; the Hon. *William Ellery*, Eſq; *John Tillinghaſt*, Eſq; *Simon Peaſe*, Eſq; *James Honyman*, Eſq; *Nicholas Eaſton*, Eſq; *Nicholas Tillinghaſt*, Eſq; *Darius Seſſions*, Eſq; *Joſeph Harris*, Eſq; *Francis Willet*, Eſq; *William Logan*, Eſq; *Daniel Jenckes*, Eſq; *George Hazard*, Eſq; *Nicholas Brown*, Eſq; *Jeremiah Niles*, Eſq; *Joſhua Babcock*, Eſq; Mr. *John G. Wanton*, the Rev. *Edward Upham*, the Rev. *Jeremiah Condy*, the Rev. *Marmaduke Brown*, the Rev. *Gardner Thurſton*, the Rev. *Ezra Stiles*, the Rev. *John Greaves*, the Rev. *John Maxſon*, the Rev. *Samuel Winſor*, the Rev. *John Gano*, the Rev. *Morgan Edwards*, the Rev. *Iſaac Eaton*, the Rev. *Samuel Stillman*, the Rev. *Samuel Jones*, the Rev. *James Manning*, the Rev. *Ruſſel Maſon*, Col. *Eliſha Reynolds*, Col. *Joſias Lyndon*, Col. *Job Bennet*, Mr. *Ephraim Bowen*, *Joſhua Clarke*, Eſq; Capt. *Jonathan Slade*, *John Taylor*, Eſq; Mr. *Robert Shettell Jones*, *Azariah Dunham*, Eſq; Mr. *Edward Thurſton*, jun. Mr. *Thomas Eyres*, Mr. *Thomas Haſzard*, and Mr. *Peleg Barker*, or ſuch, or ſo many of them as ſhall, within Twelve Months from the Date hereof, accept of this Truſt, and qualify themſelves as herein

herein after directed, and their Succeſſors, ſhall be forever hereafter One Body Corporate and Politic, in Fact and Name, to be known in Law by the Name of, *Truſtees and Fellows of the* COLLEGE, *or* UNIVERSITY, *in the* Engliſh *Colony of* Rhode-Iſland, *and* Providence *Plantations*, *in* New-England, *in* America; the Truſtees and Fellows, at any Time hereafter, giving ſuch more particular Name to the College, in Honor of the greateſt and moſt diſtinguiſhed Benefactor, or otherwiſe, as they ſhall think proper: Which Name, ſo given, ſhall, in all Acts, Inſtruments, and Doings of ſaid Body Politic, be ſuperadded to their Corporate Name aforeſaid, and become a Part of their legal Appellation, by which it ſhall be forever known and diſtinguiſhed: And that, by the ſame Name, they and their Succeſſors, choſen by themſelves, as hereafter preſcribed, ſhall, and may, have perpetual Succeſſion; and ſhall, and may, be Perſons able and capable, in the Law, to ſue and to be ſued, to plead and to be impleaded, to anſwer and to be anſwered unto, to defend and to be defended againſt, in all and ſingular Suits, Cauſes, Matters, Actions, and Doings, of what Kind ſoever: And alſo to have, take, poſſeſs, purchaſe, acquire, or otherwiſe receive and hold Lands, Tenements, Hereditaments, Goods, Chattles, or other Eſtates; of all which they may, and ſhall, ſtand and be ſeized, notwithſtanding any Miſnomer of the College, or the Corporation thereof; and by whatever Name, or however imperfectly the ſame ſhall be deſcribed in Giſt, Bequeſts, and Aſſignments, provided the true Intent of the Aſſignor or Benefactor be evident: Alſo the ſame to grant, demiſe, aliene, leaſe, uſe, manage, and improve, according to the Tenor of the Donations, and to the Purpoſes, Truſts, and Uſes to which they ſhall be ſeized thereof. And full Liberty, Power, and Authority is hereby granted unto the ſaid Truſtees and Fellows, and their Succeſſors, to found a *College*, or *Univerſity*, within this Colony, for promoting the liberal Arts, and univerſal Literature: And with the Monies, Eſtates, and Revenues, of which they ſhall from Time to Time become legally ſeized as aforeſaid, to endow the ſame: And erect the neceſſary Buildings and Edifices thereof on ſuch Place within this Colony as they ſhall think convenient: And generally to regulate, order, and govern the ſame, appoint Officers, and make Laws, as herein after preſcribed; and hold, uſe, and enjoy all the Liberties, Privileges, Exemptions, Dignities, and Immunities, enjoyed by any College, or Univerſity, whatever.

Corporate Name

How the College is to be named

its Name to be added to their Corporate Name

may Sue & be sued

to have all Liberties of any College

AND *furthermore*, That the ſaid Truſtees and Fellows, and their Succeſſors, ſhall, and may, forever hereafter have a Public Seal, to uſe for all Cauſes, Matters, and Affairs whatever, of them and their Succeſſors, and the ſame Seal to alter, break, and make anew, from Time to Time, at their Will and Pleaſure; which Seal ſhall always be depoſited with the Preſident, or Senior Fellow.

Seal to make or Break

AND *furthermore, By the Authority aforeſaid, It is hereby Enacted, Ordained and Declared*, That it is now, and at all Times hereafter ſhall continue to be, the unalterable Conſtitution of this College, or Univerſity, that the Corporation thereof ſhall conſiſt of Two Branches, *to wit*: That

Two Branches in the Corporation

Each denomination Proportion of each denomination

That of the Truſtees, and that of the Fellowſhip, with diſtinct, ſeparate, and reſpective Powers: And that the Number of the Truſtees ſhall, and may be Thirty-ſix; of which Twenty-two ſhall forever be elected of the Denomination called Baptiſts, or Antipædobaptiſts; Five ſhall forever be elected of the Denomination called Friends, or Quakers; Four ſhall forever be elected of the Denomination called Congregationaliſts, and Five ſhall forever be elected of the Denomination called Epiſcopalians: And that the Succeſſion in this Branch ſhall be forever choſen and filled up from the reſpective Denominations in this Proportion, and according to theſe Numbers; which are hereby fixed, and ſhall remain to Perpetuity immutably the ſame. And that the ſaid *Stephen Hopkins*, *Joſeph Wanton*, *Samuel Ward*, *William Ellery*, *John Tillinghaſt*, *Simon Peaſe*, *James Honyman*, *Nicholas Eaſton*, *Nicholas Tillinghaſt*, *Darius Seſſions*, *Joſeph Harris*, *Francis Willett*, *Daniel Jenckes*, *George Hazard*, *Nicholas Brown*, *Jeremiah Niles*, *John C. Wanton*, *Joſhua Clarke*, *Gardner Thurſton*, *John Greaves*, *John Maxſon*, *John Gano*, *Samuel Winſor*, *Iſaac Eaton*, *Samuel Stillman*, *Ruſſel Maſon*, *Eliſha Reynolds*, *Joſias Lyndon*, *Job Bennet*, *Ephraim Bowen*, *John Taylor*, *Jonathan Slade*, *Robert Shettell Jones*, *Azariah Dunham*, *Edward Thurſton*, jun. and *Peleg Barker*; or ſuch, or ſo many of them as ſhall qualify themſelves as aforeſaid, ſhall be, and they are hereby declared and eſtabliſhed the firſt and preſent Truſtees. And that the Number of the Fellows, incluſive of the Preſident (who ſhall always be a Fellow) ſhall and may be Twelve; of which Eight ſhall be forever elected of the Denomination called Baptiſts, or Antipædobaptiſts; and the reſt indifferently of any or all Denominations. And that the Rev. *Edward Upham*, the Rev. *Jeremiah Condy*, the Rev. *Marmaduke Brown*, the Rev. *Morgan Edwards*, the Rev. *Ezra Stiles*, the Rev. *Samuel Jones*, the Rev. *James Manning*, *William Logan*, Eſq; *Joſhua Babcock*, Eſq; Mr. *Thomas Eyres*, and Mr. *Thomas Haſzard*, or ſuch, or ſo many of them as ſhall qualify themſelves as aforeſaid, ſhall be, and they are hereby declared the firſt and preſent Fellows and Fellowſhip, to whom the Preſident, when hereafter elected (who ſhall forever be of the Denomination called Baptiſts, or Antipædobaptiſts) ſhall be joined to complete the Number.

Names of the first Trustees

Fellows denomination Their Names

The Corporation to be filled up of each Denomination according to the foregoing number & act in Seperate Branches

AND *furthermore, It is Declared and Ordained*, That the Succeſſion in both Branches, ſhall at all Times hereafter be filled up and ſupplied according to theſe Numbers, and this eſtabliſhed and invariable Proportion from the reſpective Denominations by the ſeparate Election of both Branches of this Corporation, which ſhall at all Times ſit and act by ſeparate and diſtinct Powers: And in general, in order to the Validity and Conſummation of all Acts, there ſhall be in the Exerciſe of their reſpective, ſeparate and diſtinct Powers, the joint Concurrence of the Truſtees and Fellows, by their reſpective Majorities, except in adjudging and conferring the Academical Degrees, which ſhall forever belong, excluſively, to the Fellowſhip as a Learned Faculty.

Inſtruction and immediate government in the Preſident & Fellows

AND *furthermore, It is Conſtituted*, That the Inſtruction and immediate Government of the College ſhall forever be, and reſt in the Preſident and Fellows or Fellowſhip. AND

When Public Commencement may be held

How to call a meeting of the Corporation

What number of each Branch make a quorum

Chancellor to choose Treasurer & Secretary to chuse

Vice Chancellor

Election of Trustees & Fellows

President & Professors may be chosen

may be removed and others put in their room

Tutors Stewards Butlers & all other officers may be appointed any removed at pleasure Officers removed & their places may be filled

when they change their denomination they may be removed otherwise Trustees & Fellows to continue in during Life

All Elections to be by ballot

Four Trustees & three Fellows may transact any business

AND *furthermore, It is Ordained*, That there shall be a general Meeting of the Corporation on the First *Wednesday* in *September* annually, within the College Edifice, and until the same be built, at such Place as they shall appoint, to consult, advise and transact the Affairs of the College or University: At which, or at any other Time, the Public Commencement may be held and celebrated: And that on any special Emergencies, the President, with any Two of the Fellows, or any Three of the Fellows, exclusive of the President, may convoke, and they are hereby empowered to convoke an Assembly of the Corporation on Twenty Days Notice: And that in all Meetings, the major Vote of those present of the Two Branches respectively, shall be deemed their respective Majorities aforesaid: *Provided*, That not less than Twelve of the Trustees, and Five of the Fellows, be a Quorum of their respective Branches. That the President, or, in his Absence, the Senior Fellow present, shall always be Moderator of the Fellows: That the Corporation, at their annual Meetings, once in Three Years, or oftner in Case of Death or Removal, shall, and may choose a Chancellor of the University, and Treasurer, from among the Trustees, and a Secretary from among the Fellows: That the Nomination of the Chancellor shall be in the Trustees, whose Office shall be only to preside as a Moderator of the Trustees; and that in his Absence, the Trustees shall choose a Moderator for the Time being, by the Name of Vice-Chancellor: And at any of their Meetings, duly formed as aforesaid, shall, and may be elected a Trustee or Fellow, or Trustees, or Fellows, in the Room of those nominated in this Charter, who may refuse to accept, or in the Room of those who may die, resign, or be removed.

AND *furthermore, It is Enacted, Ordained and Declared*, That this Corporation, at any of their Meetings, regularly convened as aforesaid, shall and may elect and appoint the President and Professors of Languages, and the several Parts of Literature: And upon the Demise of him or them, or either of them, their Resignation or Removal from his or their Office, for Misdemeanor, Incapacity, or Unfaithfulness, (for which he or they are hereby declared removeable by this Corporation) others to elect and appoint in their Room and Stead: And at such Meeting, upon the Nomination of the Fellows, to elect and appoint Tutors, Stewards, Butlers, and all such other Officers usually appointed in Colleges or Universities, as they shall find necessary, and think fit to appoint for the promoting liberal Education, and the well ordering the Affairs of this College; and them, or any of them, at their Discretion to remove, and substitute others in their Places. And in Case any President, Trustee or Fellow, shall see Cause to change his religious Denomination, the Corporation is hereby empowered to declare his or their Place or Places vacant, and may proceed to fill up it or them accordingly, as before directed, otherwise each Trustee and Fellow, not an Officer of Instruction, shall continue in his Office during Life, or until Resignation. And further, in Case either of the Religious Denominations should decline taking a Part in this catholic, comprehensive and liberal Institution, the Trustees and Fellows shall and may compleat their Number, by electing from their respective Denominations, always preserving their respective Proportions herein before prescribed and determined: And all Elections shall be by Ballot or written Suffrage. And that a Quorum of Four Trustees & Three Fellows may transact any Business, excepting placing the College Edifice, Election of Trustees, President,

Preſident, Fellows and Profeſſors, *that is to ſay*, ſo that their Acts ſhall be of Force and Validity until the next annual Meeting, and no longer.

Engagement to be taken by the members

AND *it is further Enacted and Ordained by the Authority aforeſaid*, That each Truſtee and Fellow, as well thoſe nominated in this Charter, as all that ſhall hereafter be duly elected, ſhall, previous to their acting in a corporate Capacity, take the Engagement of Allegiance preſcribed by the Law of this Colony to His Majeſty King *George* the Third, His Heirs and Rightful Succeſſors to the Crown of *Great-Britain*, which Engagement ſhall be adminiſtred to the preſent Truſtees and Fellows, by the Governor or Deputy-Governor of this Colony, and to thoſe from Time to Time hereafter elected by their reſpective Moderators, who are hereby empowered to adminiſter the ſame.

Fellowship to make Laws not contrary to acts of Parliament &c

They therefore the Treaſtees shall Ascertain Salleries & Expenditures Collect money, order the Revenues Accompts to be Adjusted

AND ſtill more clearly to define and aſcertain the reſpective Powers of the Two Branches, on making and enacting Laws, *It is further Ordained and Declared*, That the Fellowſhip ſhall have Power, and are hereby empowered from Time to Time, and at all Times hereafter, to make, enact and publiſh all ſuch Laws, Statutes, Regulations and Ordinances, with Penalties, as to them ſhall ſeem meet, for the ſucceſsful Inſtruction and Government of ſaid College or Univerſity, not contrary to the Spirit, Extent, true Meaning and Intention of the Acts of the *Britiſh* Parliament, or the Laws of this Colony; and the ſame Laws, Statutes and Ordinances to repeal: Which Laws, and the Repeals thereof, ſhall be laid before the Truſtees, and with their Approbation ſhall be of Force and Validity, but not otherwiſe. And further, the Truſtees and Fellows, at their Meetings aforeſaid, ſhall aſcertain the Salaries of the reſpective Officers, and order the Monies aſſeſſed on the Students for Tuition, Fines, and incidental Expences, to be collected by the Steward, or ſuch other Officer as they ſhall appoint to collect the ſame; and the ſame, with their Revenues, and other College Eſtates in the Hands of the Treaſurer, to appropriate in diſcharging Salaries and other College Debts: And the College Accounts ſhall be annually auditted and adjuſted in the Meeting of the Corporation.

No Religious Tests Liberty of Conscience All persuasions are admitted

AND *furthermore, It is hereby Enacted and Declared*, That into this liberal and catholic Inſtitution, ſhall never be admitted any religious Teſts: But on the contrary, all the Members hereof ſhall forever enjoy full, free, abſolute, and uninterrupted Liberty of Conſcience: And that the Places of Profeſſors, Tutors, and all other Officers, the Preſident alone excepted, ſhall be free and open for all Denominations of Proteſtants: And that Youth of all religious Denominations ſhall and may be freely admitted to the equal Advantages, Emoluments, and Honors of the College or Univerſity; and ſhall receive a like, fair, generous, and equal Treatment during their Reſidence therein, they conducting themſelves peaceably, and conforming to the Laws and Statutes thereof. And that the public Teaching ſhall, in general, reſpect the Sciences; and that the Sectarian Differences of Opinions, ſhall not make any Part of the public and claſſical Inſtruction: Although all religious Controverſies

troverſies may be ſtudied freely, examined and explained by the Preſident, Profeſſors, and Tutors, in a perſonal, ſeparate, and diſtinct Manner, to the Youth of any or each Denomination : And above all, a conſtant Regard be paid to, and effectual Care taken of, the Morals of the College.

AND *furthermore*, for the Honor and Encouragement of Literature, *we Conſtitute and Declare*, the Fellowſhip aforeſaid, a *Learned Faculty* ; and do hereby give, grant unto, and inveſt them, and their Succeſſors, with full Power and Authority, and they are hereby authorized and empowered, by their Preſident, and in his Abſence, by the Senior Fellow, or One of the Fellows appointed by themſelves at the anniverſary Commencement, or at any other Times, and at all Times hereafter, to admit to, and confer any and all the learned Degrees, which can or ought to be given and conferred in any of the Colleges or Univerſities in *America* ; or any ſuch other Degrees of literary Honor as they ſhall deviſe, upon any and all ſuch Candidates and Perſons as the Preſident and Fellows, or Fellowſhip, ſhall judge worthy of the Academical Honors : Which Power of conferring Degrees, is hereby reſtricted to the learned Faculty, who ſhall or may iſſue Diplomas, or Certificates, of ſuch Degrees, or confer Degrees by Diplomas, and authenticate them with the Public Seal of the Corporation, and the Hands of the Preſident and Secretary, and of all the Profeſſors, as Witneſſes, and deliver them to the Graduates as honorable and perpetual Teſtimonies.

Fellowship a Learned faculty & may confer degrees and this is restricted solely to them

AND *furthermore*, for the greater Encouragement of this Seminary of Learning, and that the ſame may be amply endowed and enfranchiſed with the ſame Privileges, Dignities, and Immunities enjoyed by the *American* Colleges, and *European* Univerſities, *We do Grant, Enact, Ordain, and Declare, And it is hereby Granted, Enacted, Ordained, and Declared*, That the College Eſtate, the Eſtates, Perſons, and Families of the Preſident and Profeſſors, for the Time being, lying and being within the Colony, with the Perſons of the Tutors and Students, during their Reſidence at the College, ſhall be freed and exempted from all Taxes, ſerving on Juries, and menial Services : And that the Perſons aforeſaid ſhall be exempted from bearing Arms, Impreſſes and military Services, except in Caſe of an Invaſion.

The Estates to be exempted from Taxes

AND *furthermore*, for eſtabliſhing the Perpetuity of this Corporation, and in Caſe that at any Time hereafter, thro' Overſight, or otherwiſe thro' Miſapprehenſions and miſtaken Conſtructions of the Powers, Liberties, and Franchiſes herein contained, any Laws ſhould be enacted, or any Matters done and tranſacted by this Corporation contrary to the Tenor of this Charter, *It is hereby Enacted, Ordained, and Declared*, That all ſuch Laws, Acts, and Doings, ſhall be in themſelves null and void : *Yet, Nevertheleſs*, the ſame ſhall not, in any Courts of Law, or by the General Aſſembly, be deemed, taken, interpreted, or adjudged into an Avoidance, Defeazance, or Forfeiture of this Charter : But that the ſame ſhall be, and remain unhurt, inviolate, and entire unto the ſaid Corporation, in perpetual

No act of this Corporation shall invalidate this Charter

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Feb. 1950
Foster B. Davis

perpetual Succeſſion : Which Corporation may, at all Times, and forever hereafter, proceed, and continue to act : And all their Acts, conformable to the Powers, Tenor, true Intent and Meaning of the Charter, ſhall be, and remain in full Force and Validity ; the Nullity and Avoidance of any ſuch illegal Acts to the contrary in any wiſe notwithſtanding.

Charter shall be construed most favourably.

AND *laſtly*, We the Governor and Company aforeſaid, *Do*, for ourſelves and our Succeſſors, *forever hereby Enact*, *Grant*, *and Confirm* unto the ſaid Truſtees and Fellows, and to their Succeſſors, That this Charter of Incorporation, and every Part thereof, ſhall be good and available in all Things in the Law, according to our true Intent and Meaning : And ſhall be conſtrued, reputed, and adjudged in all Caſes moſt favorably on the Behalf and for the beſt Benefit and Behoof of the ſaid Truſtees and Fellows, and their Succeſſors, ſo as moſt effectually to anſwer the valuable Ends of this uſeful Inſtitution.

IN *full Teſtimony* of which Grant, and of all the Articles and Matters therein contained, the ſaid Governor and Company *do hereby order*, That this Act ſhall be ſigned by the Governor and Secretary, and ſealed with the Public Seal of this Colony, and regiſtred in the Colony's Records : And that the ſame, or an Exemplification thereof, ſhall be a ſufficient Warrant to the ſaid Corporation to hold, uſe and exerciſe all the Powers, Franchiſes, and Immunities, herein contained.

College Charter

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